



Senate

General Assembly

File No. 315

February Session, 2016

Substitute Senate Bill No. 251

Senate, March 30, 2016

The Committee on Government Administration and Elections reported through SEN. CASSANO, S. of the 4th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING REPORTING OF MUNICIPAL ELECTION RESULTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 9-314 of the 2016 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective from passage*):

4 (a) As used in this subsection, "moderator" means the moderator of
5 each state election in each town not divided into voting districts and
6 the head moderator in each town divided into voting districts. The
7 moderator shall make [out] a preliminary list of the votes given for
8 each of the following officers: Presidential electors, Governor,
9 Lieutenant Governor, Secretary of the State, Treasurer, Comptroller,
10 Attorney General, United States senator, representative in Congress,
11 state senator, judge of probate, state representative and registrars of
12 voters when said officers are to be chosen, as reported solely by the
13 tabulator, as provided in section 9-309, as amended by this act, in the

14 moderator's town and shall immediately transmit such preliminary list
15 to the Secretary of the State not later than midnight on election day.
16 Once the preliminary list has been transmitted to the Secretary of the
17 State, the moderator shall make [out] a duplicate list of the votes given
18 in the moderator's town for each of the following officers: Presidential
19 electors, Governor, Lieutenant Governor, Secretary of the State,
20 Treasurer, Comptroller, Attorney General, United States senator,
21 representative in Congress, state senator, judge of probate, state
22 representative and registrars of voters when said officers are to be
23 chosen. Such duplicate list shall [include a statement of] indicate the
24 total number of names on the official check list of such town and the
25 total number of names checked as having voted. The moderator shall
26 transmit such duplicate list to the Secretary of the State by electronic
27 means as prescribed by the Secretary of the State not later than forty-
28 eight hours after the close of the polls on election day. The moderator
29 shall also seal and deliver one of such duplicate lists to the Secretary of
30 the State not later than the third day after the election. Any such
31 moderator who fails to so transmit or deliver such duplicate list to the
32 Secretary of the State by the time required shall pay a late filing fee of
33 fifty dollars. The moderator shall also deliver one of such duplicate
34 lists to the clerk of such town. The Secretary of the State shall enter the
35 returns in tabular form in books kept by the Secretary for that purpose
36 and present a printed report of the same, with the name of, and the
37 total number of votes received by, each of the candidates for said
38 offices, to the General Assembly at its next session.

39 (b) As used in this subsection, "moderator" means the moderator of
40 each municipal election in each town not divided into voting districts,
41 and the head moderator in each town divided into voting districts. The
42 moderator shall [forthwith] make a preliminary list of the votes given
43 for each municipal office elected at such municipal election, as
44 reported solely by the tabulator, as provided in section 9-309, as
45 amended by this act, in the moderator's town and shall immediately
46 transmit such preliminary list to the Secretary of the State not later
47 than midnight on election day. Once the preliminary list has been
48 transmitted to the Secretary of the State, the moderator shall make a

49 duplicate list of the votes given in the moderator's town for each
50 municipal office elected at such municipal election. Such duplicate list
51 shall indicate the total number of names on the official check list of
52 such town and the total number of names checked as having voted and
53 shall be on a form prescribed by the Secretary of the State. The
54 moderator shall transmit such duplicate list to the Secretary of the
55 State [the results of the vote for each office contested at such election]
56 by electronic means as prescribed by the Secretary of the State not later
57 than forty-eight hours after the close of the polls on election day. The
58 moderator shall also seal and deliver one of such duplicate lists to the
59 Secretary of the State not later than the third day after the election. Any
60 such moderator who fails to so transmit or deliver such duplicate list
61 to the Secretary of the State by the time required shall pay a late filing
62 fee of fifty dollars. [Such moderator shall include in such return a
63 statement of the total number of names on the official check list of such
64 town and the total number checked as having voted. Such return shall
65 be on a form prescribed by the Secretary of the State.] The moderator
66 shall also deliver one of such duplicate lists to the clerk of such town.

67 Sec. 2. Section 9-309 of the 2016 supplement to the general statutes is
68 repealed and the following is substituted in lieu thereof (*Effective from*
69 *passage*):

70 Upon the close of the polls, the moderator, in the presence of the
71 other election officials, shall immediately lock the voting tabulator
72 against voting and immediately cause the vote totals for all candidates
73 and questions to be produced. The moderator shall, in the order of the
74 offices as their titles are arranged on the ballot, read and announce in
75 distinct tones the result as shown, giving the number indicated and
76 indicating the candidate to whom such total belongs, and shall read
77 the votes recorded for each office on the ballot. The moderator shall
78 also, in the same manner, announce the vote on each constitutional
79 amendment, proposition or other question voted on. The vote so
80 announced by the moderator shall be taken down by each checker and
81 recorded on the tally sheets. Each checker shall record the number of
82 votes received for each candidate on the ballot and also the number

83 received by each person for whom write-in ballots were cast. The
84 moderator shall make [out] a preliminary list from the vote totals
85 produced by the tabulators and shall prepare such preliminary list for
86 transmission to the Secretary of the State pursuant to [subsection (a) of]
87 section 9-314, as amended by this act. After such preliminary list has
88 been transmitted to the Secretary of the State, the canvass may be
89 temporarily interrupted, during which time the moderator shall (1)
90 return the keys for all tabulators to the registrars of voters, (2) seal the
91 tabulators against voting or being tampered with, (3) prepare and seal
92 individual envelopes for all (A) write-in ballots, (B) absentee ballots,
93 (C) moderators' returns, and (D) other notes, worksheets or written
94 materials used at the election, and (4) store all such tabulators and
95 envelopes in a secure place or places directed by the registrars of
96 voters. At the end of such temporary interruption, the moderator shall
97 receive such keys from the registrars and shall take possession of and
98 break the seal on all such tabulators and envelopes for the purpose of
99 completing the canvass. The result totals shall remain in full public
100 view until the statement of canvass and all other reports have been
101 fully completed and signed by the moderator, checkers and registrars,
102 or assistant registrars, as the case may be. Any other remaining result
103 of the votes cast shall be publicly announced by the moderator not
104 later than forty-eight hours after the close of the polls. Such public
105 announcement shall consist of reading both the name of each
106 candidate, with the designating number and letter on the ballot and
107 the absentee vote as furnished to the moderator by the absentee ballot
108 counters, and also the vote cast for and against each question
109 submitted. While such announcement is being made, ample
110 opportunity shall be given to any person lawfully present to compare
111 the results so announced with the result totals provided by the
112 tabulator and any necessary corrections shall then and there be made
113 by the moderator, checkers and registrars or assistant registrars, after
114 which the compartments of the voting tabulator shall be closed and
115 locked. In canvassing, recording and announcing the result, the
116 election officials shall be guided by any instructions furnished by the
117 Secretary of the State.

118 Sec. 3. Subsection (a) of section 9-322a of the 2016 supplement to the
119 general statutes is repealed and the following is substituted in lieu
120 thereof (*Effective from passage*):

121 (a) Not later than forty-eight hours following each regular [state]
122 election, the registrars of voters shall provide the results of the votes
123 cast at such election to the town clerk. Not later than nine o'clock a.m.
124 on the third day following each regular [state] election, the head
125 moderator, registrars of voters and town clerk for each town divided
126 into voting districts shall meet to identify any error in the returns. Not
127 later than one o'clock p.m. on the third day following each regular
128 [state] election, the head moderator shall correct any error identified
129 and file an amended return with the Secretary of the State, the town
130 clerk and the registrars of voters.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	9-314
Sec. 2	<i>from passage</i>	9-309
Sec. 3	<i>from passage</i>	9-322a(a)

Statement of Legislative Commissioners:

In Section 1(a) and (b), "make out a preliminary list" was changed to "make a preliminary list" for consistency.

GAE *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill, which adjusts the timeline and process by which the results of municipal elections are transmitted to the Secretary of the State's office, has no fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sSB 251*****AN ACT CONCERNING REPORTING OF MUNICIPAL ELECTION RESULTS.*****SUMMARY:**

This bill:

1. aligns the procedures for reporting regular municipal election results to those for reporting regular state election results;
2. requires that election officials in multi-town districts meet after municipal, not only state, elections to identify any errors in the election night returns previously submitted to the secretary of the state; and
3. requires head moderators in multi-district towns to file any amended election returns with town clerks, not only the secretary and registrars of voters.

EFFECTIVE DATE: Upon passage

REPORTING MUNICIPAL ELECTION RESULTS

For municipal elections, current law requires head moderators to transmit the results of the vote to the secretary of the state (1) electronically within 48 hours after the polls close and (2) in hard copy within three days after the election.

The bill:

1. requires moderators to prepare a “preliminary list” of results and immediately transmit it to the secretary of the state by midnight on election day,

2. renames the “results of the vote” the “duplicate list” and continues to require moderators to electronically transmit it to the secretary within 48 hours after the election, and
3. requires moderators to also provide the duplicate list to their town clerk.

Existing law, unchanged by the bill, requires that the results submitted within 48 hours after the polls close (i.e., duplicate list under the bill) indicate the total number of names on the registry list and those that voted.

AMENDING ELECTION RETURNS IN MULTI-DISTRICT TOWNS

For towns divided into voting districts, the law requires that by the third day after a regular state election, (1) head moderators, town clerks, and registrars meet by 9:00 a.m. to identify any errors in the election night returns and (2) head moderators file an amended return, if necessary, by 1:00 p.m. with the secretary of the state and registrars.

The bill extends these requirements to municipal elections. For both state and municipal elections, it additionally requires moderators to file amended returns with the town clerk, not only the secretary and registrars.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 15 Nay 0 (03/11/2016)